

The cited art

Matuschek teaches a blind rivet assembly which may be used to fasten two plates together. No suggestion is made that the rivet may have application in surgical tissue attachment.

Torrie teaches a soft tissue anchor and deployment devices therefor. Claims which were rejected over Torrie have been cancelled with this response, rendering the rejections moot.

Rejections under 35 U.S.C. 102(b) over Matuschek

Claims 1-6 and 10-21 stand rejected under 35 U.S.C.102(b) as anticipated by Matuschek. This rejection is respectfully traversed, because Matuschek does not teach all of the elements of the claimed invention. In particular, the floating washer recited in independent claims 1 and 10 does not appear in Matuschek.

While Matuschek does teach a pressure washer (element 13 in the drawings), this washer is not disclosed to be “floating” - *i.e.*, capable of both longitudinal and limited angular rotation relative to the head of the rivet.

Further, the pressure washer of Matuschek is not in “contact with tissue adjacent to the bone,” when deployed as recited in claim 1. See, for example, column 2, lines 22-23, which clearly specify that the pressure washer is in contact with the skirt of the collar 21.

Nor does the head of the rivet “sandwich the washer between the tissue and the head of the rivet,” as recited in claim 10. The washer of Matuschek is not adjacent to the material being joined, but is instead forced into the rivet head to splay the rivet head and secure the joint.

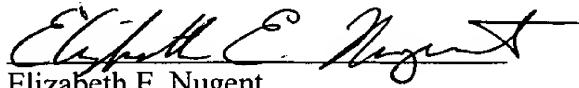
For these and other reasons, it is believed that the present invention is not anticipated by Matuschek, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Applicants note that the Form 892 received with the Office Action is blank. If references in addition to those listed on the Form 1449 submitted by the Applicants have been made of record in the application, we respectfully request that the Examiner issue a new Form 892 so that our files can be kept complete.

In light of the foregoing Amendment and Remarks, Applicants respectfully submit that the present case is in condition for allowance. A Notice to that effect is respectfully requested.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,


Elizabeth E. Nugent
Registration Number 43,839

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: July 29, 1999
Exchange 3030744.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231
on July 29, 1999
Elizabeth E. Nugent